

## The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CLYDE RAY SPENCER, MATTHEW )  
RAY SPENCER, and KATHRYN E. TETZ, )  
                                       )  
Plaintiffs,                         ) No. C11-5424 BHS  
v.                                     )  
                                       )  
FORMER DEPUTY PROSECUTING      ) **STIPULATION AND PROPOSED**  
ATTORNEY FOR CLARK COUNTY JAMES ) **AGREED ORDER AMENDING**  
M. PETERS, DETECTIVE SHARON     ) **THE CASE SCHEDULE**  
KRAUSE, SERGEANT MICHAEL        )  
DAVIDSON, CLARK COUNTY          )  
PROSECUTOR'S OFFICE, CLARK COUNTY )  
SHERIFF'S OFFICE, THE COUNTY OF    )  
CLARK and JOHN DOES ONE THROUGH )  
TEN,                                 )  
Defendants.                         )  
                                       )

## **STIPULATION**

The parties, through their counsel, stipulate as follows and respectfully request the Court enter the Order Amending the Case Schedule for good cause under Fed. R. Civ. P. 16(b)(4).

On December 28, 2011, the Court entered a Minute Order Setting Trial and Pretrial Dates, scheduling the following pretrial and trial dates:

**STIPULATION AND ORDER AMENDING THE  
CASE SCHEDULE . . . (No. C11-5425 BHS) - 1**

Davis Wright Tremaine LLP  
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\*TWENTY DAY\* Jury Trial is set for 4/16/2013 at 9:00 AM in Courtroom E before Judge Benjamin H. Settle. Joinder of Parties due by 1/27/2012, Amended Pleadings due by 2/7/2012, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 10/9/2012, Rebuttal Expert Disclosure/Reports due by 11/7/2012, Motions due by 11/19/2012, Discovery completed by 12/17/2012, Dispositive motions due by 1/16/2013, Settlement conference to be held by 2/15/2013, 39.1 mediation to be completed by 3/7/2013, Motions in Limine due by 3/11/2013, 39.1 Settlement Report due by 3/18/2013, Pretrial Order due by 3/25/2013, trial briefs/proposed voir dire/jury instructions due by 3/26/2013, Pretrial Conference set for 4/1/2013 at 11:00 AM in Courtroom E before Judge Benjamin H. Settle.

Dkt. 49.

On March 29, 2012, Defendant Shirley Spencer filed a Motion for Summary Judgment.

See Dkt. 52. Defendants Michael Davidson, Sharon Krause, Clark County, Clark County

Prosecutor's Office, and Clark County Sheriff's Office, also filed Motions for Summary Judgment on May 23, 2012, and Defendant James Peters filed a Motion for Summary Judgment on May 23, 2012. *See* Dkts. 62, 65, 66 & 68.

In response to the Defendants summary-judgment motions, Plaintiffs filed requests for continuance to conduct discovery pursuant to Fed. R. Civ. P. 56(d). *See* Dkts. 56, 72, 74, 76 & 78.

The Court has yet to rule on the Parties' respective summary-judgment and continuance motions and the Parties agree that it will be more economically efficient to delay further discovery until the Court has ruled on the motions. To accommodate this delay, the Parties request that the Court amend its case schedule as follows:

Disclosure of expert testimony under FRCP 26(a)(2): March 9, 2013

## Disclosure of rebuttal expert testimony under FRCP 26(a)(2): April 7, 2013

All motions related to discovery must be filed by: April 19, 2013

**STIPULATION AND ORDER AMENDING THE  
CASE SCHEDULE . . . (No. C11-5425 BHS) - 2**  
DWT 20206964v1 0094078-000001

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1 Discovery completed by: May 17, 2013  
2 All dispositive motions Filed by: June 16, 2013  
3 Settlement conference per local Rule CR 39.1(c)(2)  
4 Held no later than: July 15, 2013  
5 Mediation per Local Rule CR 39.1 (c) HELD no later than: August 7, 2013  
6 Letter of Compliance as to Local Rule CR 39.1 FILED August 18, 2013  
7 Motions In Limine FILED: August 11, 2013  
8 Agreed Pretrial Order FILED with the Court by August 25, 2013  
9 Pretrial Conference: September 6, 2013  
10 Trial briefs, proposed voir dire, and jury instructions due: August 26, 2013  
11 Twenty Day Jury Trial set for: September 23, 2013  
12  
13 DATED this 22nd day of August, 2012.

14 Presented by:  
15 Davis Wright Tremaine LLP Law Offices of Kathleen T. Zellner, P.C.  
Attorneys for Plaintiffs Attorney for Plaintiffs  
16

17 By s/ Daniel Davies \_\_\_\_\_ By s/ Kathleen Zellner \_\_\_\_\_  
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18      Sheriff's Office and Clark County

19      By s/Bernard F. Veljacic  
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## ORDER

The Court hereby ORDERS that the scheduling order dates in this case are rescheduled as follows:

Disclosure of expert testimony under FRCP 26(a)(2):	March 9, 2013
Disclosure of rebuttal expert testimony under FRCP 26(a)(2):	April 7, 2013
All motions related to discovery must be filed by:	April 19, 2013
Discovery completed by:	May 17, 2013
All dispositive motions Filed by:	June 16, 2013
Settlement conference per local Rule CR 39.1(c)(2)	
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Twenty Day Jury Trial set for:	September 23, 2013
DATED this _____ day of August, 2012.	

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THE HONORABLE BENJAMIN H. SETTLE  
United States District Judge

1                   **CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

2                   I hereby certify that on August 22, 2012, I electronically filed foregoing with the Clerk  
of the Court using the CM/ECF system which will send notification of said filing to the  
3 following:

4                   **Daniel J. Judge, Attorneys for Defendant James M. Peters**

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20                  DATED this 22nd day of August, 2012.

21                  \_\_\_\_\_  
22                  *s/Linda Nordstedt*  
23                  Linda Nordstedt